

within this Territory, other than his own, or shall intentionally, or by neglect, permit the fire to pass his own prairie or grounds, to the injury of any other person or persons, every person so offending shall, on conviction thereof, for every such offence, be fined in a sum not exceeding fifty dollars, nor less than five dollars, and stand committed until fines and costs are paid, and shall be liable to the action of the party injured, for damages, which he, she or they may have sustained in consequence of such fire; and all justices of the peace shall have jurisdiction of offences committed under this act: *Provided*, That nothing in this act shall operate as a repeal of the fortieth section of the act to provide for the punishment of offences against private property.

Justices of the peace to have jurisdiction.

CHAP. LXXII.—An Act Concerning Bills of Exchange and Promissory Notes.

Damages on bills of exchange on persons out of the U.S.

SEC. 1. When any bill of exchange which may be drawn within this Territory, upon any person or persons, body politic or corporate, out of the United States, or Territories thereof, for any sum of money, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill with legal interest, according to the tenor thereof, and twenty per cent damages in addition, together with cost and charges of protest.

Damages on bills on person in adjoining State.

SEC. 2. If any bill of exchange drawn upon any person or body politic or corporate, out of this Territory, but within some State or Territory of the United States, adjoining to this Territory, for the payment of money, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill with legal interest, according to its tenor, and five per cent. damages, together with costs and charges of protest.

When drawn on person in State not adjoining.

SEC. 3. If any bill of exchange drawn upon any person, or body politic or corporate, out of this Territory, but within the United States or Territories thereof, and not adjoining to this Territory, for the payment of money, shall be duly presented for acceptance or payment, and protested for non-acceptance or non-payment, the drawer or endorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill with legal interest, according to its tenor, and ten per cent. damages, together with costs and charges of protest.

Notes payable to bearer, etc., negotiable.

SEC. 4. All notes in writing made and signed by any person, or by a factor, or agent of any merchant or trader usually entrusted therewith, whereby such person or any merchant or trader, by such factor or agent, shall promise to pay to any other person, body politic or corporate, his or their order, or unto bearer, any sum of money therein mentioned, shall by virtue thereof be taken and construed to be due and payable, as therein expressed, and shall have the same effect and be negotiable in like manner, as inland bills of exchange, according to the custom of merchants; and the payees or endorsees of every such note payable to them, or their order, shall and may maintain their action for such sum of money, against the makers and endorsers of the same respectively, in like manner as in cases of inland bills of exchange, and not otherwise.

Sec. 5. Full faith and credit shall be given to the attestations, protestations, and other instruments of publication, under seal of all notaries public appointed in any State or Territory of the United States.

Doings of notaries public accredited.

Sec. 6. In all actions brought on promissory notes, or bills of exchange by the endorsee, the possession of the note shall be prima facie evidence that the same was indorsed by the persons by whom it purports to be endorsed.

Evidence of endorsement of notes, etc.

Sec. 7. In all actions or proceedings at law in civil cases, either party may give notice to the adverse party that he wishes to have said party sworn as a witness in such cause; and if said adverse party shall not appear at the time of trial, or shall refuse to be sworn or testify, or shall fail to take and produce his deposition, as hereinafter provided, then the party giving such notice, if the notice shall be deemed by the court sufficient, may himself be sworn as a witness in such cause.

Party may be witness.

Sec. 8. If the party receiving such notice shall live more than thirty miles from the place of trial, or shall be about to go out of the Territory, not to return in time for the trial, or is so sick, or infirm, or aged, as to make it probable that he will not be able to attend at the trial, he may give notice of any such fact to the opposite party, and that his deposition will be taken before some justice of the peace, therein named; said notice shall be given, and the deposition taken according to the provisions for taking the depositions of witnesses under like circumstances. The depositions thus taken, and duly produced, shall be admitted as testimony on the trial.

A party may give his deposition in case.

Sec. 9. If the party, receiving the notice mentioned in the seventh section of this act, shall not be a resident of the Territory, he may proceed to take out a commission for obtaining his testimony, in the same manner that commissions are taken out for obtaining the testimony of foreign witnesses, according to the rules and practice of the courts. A deposition properly taken under this section, produced at the trial, shall be admitted as testimony.

Same subject.

Sec. 10. The twenty-ninth section of an act of the Revised Statutes of Wisconsin, entitled "An Act concerning proceedings of Courts of Records," shall be so taken and construed as to permit special pleas, demurrers and pleadings, at the option of either party, plaintiff, or defendant.

Special pleas allowed.

Sec. 11. All notices required by this act, may be given by, or to the attorney of the party.

Notices—how served.

Sec. 12. The fifty-seventh section of the act, entitled "An Act concerning Testimony and Depositions," is hereby repealed.

*Revised Statute page 242.

Sec. 13. This act shall take effect, and be in force, from and after its passage.

CHAP. LXXIII.—An Act for the protection of Sheep and for other Purposes.

Sec. 1. That if any dog shall be found killing, wounding, or worrying any sheep or lambs, it shall be lawful for any person forthwith to kill or wound such dog, and the owner or person harboring such dog, shall be liable for all damages so done by said dog.

Owner of dog liable for damage.